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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SUSAN OTTELE and WILLIAM COLLIER,
JR., on their own behalf and on the behalf of the
Estate of Adam J. Collier, decedent,

Plaintiffs,

v.

OSCAR MARTINEZ and AARON HODGES,
and DOES 1–10, inclusive,

Defendants.

Case No. 1:22-cv-00187-JLT-CDB

**JOINT STIPULATION TO EXTEND
TRIAL AND RELATED DATES;
[PROPOSED] ORDER**

STIPULATION OF THE PARTIES

WHEREAS, on November 3, 2023, Defendants filed a Motion for Summary Judgment (Doc. 57);

WHEREAS, on November 17, 2023, Plaintiffs filed their Opposition to Defendants' Motion for Summary Judgment (Doc. 59);

WHEREAS, on November 27, 2023, Defendants filed their Reply to Plaintiffs' Opposition to Defendants' Motion for Summary Judgment (Doc. 60);

WHEREAS, on November 29, 2023, the Court issued a Minute Order stating that the pending Motion for Summary Judgment will be heard and decided by the Court. However, due to the ongoing scarcity of judicial resources in this District, it is likely to be six or more months until the Motion for Summary Judgment in this matter is resolved and requested the Magistrate Judge to provide a Findings and Recommendations (Doc. 62);

WHEREAS, on January 26, 2024, the Court Ordered Plaintiffs to respond to Defendants' evidentiary objections outlined in Defendants Reply (Doc. 67);

WHEREAS, on February 2, 2024, Plaintiffs responded to the evidentiary objections pursuant to the Court's January 26, 2024 Order (Doc. 68);

WHEREAS, on February 16, 2024, the Magistrate Judge issued a Findings and Recommendations pertaining to the pending Motion for Summary Judgment (Doc. 72);

WHEREAS, on February 26, 2024, the Parties filed a Stipulation and Proposed Order to Extend Trial and Related Dates (Doc. 73);

WHEREAS, on February 27, 2024, the Court entered a Minute Order extending the Trial and related dates (Doc. 74.);

WHEREAS, on March 1, 2024, Defendants filed an Objections to Findings and Recommendations (Doc. 75);

WHEREAS, on March 1, 2024, Plaintiff filed her Objections to Magistrate Judge's Findings and Recommendations (Doc. 76);

WHEREAS, on March 15, 2024, Defendants filed their Response to Plaintiff's Objections to Magistrate Judge's Findings and Recommendations (Doc. 77); and

WHEREAS, under the current scheduling Order (Doc. 74), the Parties have a Joint Pre-Trial Conference Report due May 6, 2024, the Pre-Trial Conference on May 13, 2024, with Trial set for July 9, 2024.

Pursuant to Local Rule 143, the Parties hereby jointly stipulate and request that the current deadlines imposed by the Minute Order in this case (Doc. 74) be extended pursuant to the below proposed schedule. Under Federal Rule of Civil Procedure 16(b)(4), the schedule may be modified for good cause with the Court's consent. Good cause exists here based on the pending Motion for Summary Judgment.

The Parties have conferred and determined that it is unlikely that the Court will issue a ruling on Defendants' Motion for Summary Judgment prior to the upcoming Pre-Trial Conference and Trial dates. The Parties stipulate to extend the Scheduling Order dates as set forth below:

Current Deadlines:

Pre-Trial Conference

5/13/2024 at 1:30 p.m. in Courtroom 4

Trial

7/9/2024 at 8:30 a.m. in Courtroom 4

Proposed Deadlines:

Pre-Trial Conference

8/11/2024 at 1:30 p.m. in Courtroom 4, or as soon thereafter as the Court's schedule allows.

Trial

10/7/2024 at 8:30 a.m. in Courtroom 4, or as soon thereafter as the Court's schedule allows.

This extension is requested based on the Parties' good faith estimate and agreement relating to the pending Motion for Summary Judgment, not for improper or unnecessary purposes or to cause delay.

IT IS SO STIPULATED.

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1 Dated: APRIL 12, 2024.

WANGER JONES HELSLEY PC

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3 By: /s/ Jay A. Christofferson

Jay A. Christofferson

4 Steven K. Vote

Nathan J. Martin

5 Attorneys for Plaintiff SUSAN OTTELE,

on her own behalf and on behalf of the Estate

6 of Adam J. Collier, decedent

7 Dated: APRIL 12, 2024.

ATTORNEY GENERAL OF CALIFORNIA

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10 By: /s/ James Mathison (with permission on 4/8/24)

James Mathison

11 Deputy Attorney General

Attorney for Defendants A. Hodges and O. Martinez

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13 **[PROPOSED] ORDER**

14 Having reviewed the stipulation of the parties, and for good cause appearing, the Court orders
15 that the Pre-Trial conference is moved to August 12, 2024, and the Trial date is moved to
16 October 8, 2024.

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18 IT IS SO ORDERED.

19 Dated: April 12, 2024

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UNITED STATES DISTRICT JUDGE